

REMARKS

Reconsideration is requested.

Claims 68-70, 73, 74, 76, 79, 85-90, 95, 96 and 102 are pending. The Examiner's indication on page 5 of the Office Action dated July 15, 2005 that claims 67-70, 73-74, 88-90, 95-97 and 102 contain allowable subject matter is acknowledged, with appreciation. The claims are submitted to be in condition for allowance and a Notice of Allowance is requested.

The Examiner interview of September 6, 2005 is acknowledged, with appreciation. The Interview Summary is accurate in its brief description of the issues discussed.

The "new matter" and Section 112, first paragraph, rejections of claims 79, 85 and 86 are traversed. Reconsideration and withdrawal of the rejections are requested in view of the following comments.

Basis for the immunization method of claim 85, for example, immunization of a mammal with a recombinant vector, can be found on page 19, lines 9-12 of the originally-filed specification.

The immunization is necessarily performed with a reagent comprising a recombinant vector, i.e., with a composition according to claim 79 and preparation of such compositions is known in the art. See for example page 25, lines 16-17.

Finally, one of ordinary skill in the art will appreciate that compositions, such as those described in claim 86, used to produce an immune response in a mammal typically include either a pharmaceutically acceptable adjuvant (see page 25, lines 6-9 and page 26, line 3-14), carrier (see paragraph spanning pages 25 and 26 of

application) or vehicle (see page 26, lines 15-18 of the specification). Claim 86 has been amended above based on this description.

The claims are submitted to be supported by an adequate written description and no new matter has been added. Withdrawal of the "new matter" and Section 112, first paragraph, rejections is requested.

The Section 102 rejection of claims 76, 79 and 87 over Grakoui (Journal of Virology 1993, Vol. 67, No. 3, pp 1385-1391), is obviated by the above amendments which define the borders of the recited E1 protein as defined in claim 68, which is indicated as being patentable over the cited art. Withdrawal of the Section 102 rejection is requested.

The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned in the event anything further is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



B. J. Sadoff
Reg. No. 36,663

BJS:
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100